

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

REPAIRIFY, INC.,

Plaintiff,

V.

KEYSTONE AUTOMOTIVE INDUSTRIES, INC., DOES 1 TO 20,


Defendants.

CIVIL NO. W-21-CV-00819-ADA

CLAIM CONSTRUCTION ORDER

Before the Court are the parties' claim construction briefs: Defendants' Opening Claim Construction Brief (ECF No. 37), Plaintiff's Responsive Claim Construction Brief (ECF No. 41), Defendants' Reply Claim Construction Brief (ECF No. 42), Plaintiff's Sur-Reply Claim Construction Brief (ECF No. 45), and the Joint Claim Construction Statement (ECF No. 48). On July 6, 2022, the Court held a *Markman* hearing. The Court issues this Order to memorialize the Court's final claim construction rulings for the parties.

SIGNED this 3rd day of June, 2024.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE

I. DISPUTED CONSTRUCTIONS:

<u>Claim Term</u>	<u>Plaintiff's Proposal</u>	<u>Defendants' Proposal</u>	<u>Court's Final Construction</u>
<p>“vehicle connector”</p> <p>’313 Patent, Claim 1</p> <p>(Jointly identified)</p>	<p>an electrical connector capable of connecting a vehicle and another device for communication (e.g., an OBD II Port)</p>	<p>electrical connector integrated within a vehicle, e.g., the vehicle’s OBD port,</p> <p>Or alternatively, electrical connector that is part of the vehicle, e.g., the vehicle’s OBD port¹</p>	<p>Plain and ordinary meaning. Note: “vehicle connector” does not include a “scan tool connector” as that term is used in the specification.</p>
<p>“communication device”</p> <p>’313 Patent, Claims 1, 2, 7-10, 15, 16;</p> <p>’500 Patent, Claims 1, 2, 7, 8;</p> <p>’334 Patent, Claims 1, 5, 6</p> <p>(Defendants identified)</p>	<p>Plain and ordinary meaning: a device configured to communicate by sending and/or receiving signals</p>	<p>Subject to §112, ¶ 6:</p> <p>Function: to create a bi-directional communication link between a computer/tool and a vehicle to enable the computer/tool to remotely scan and program the vehicle as if it were located proximate to the vehicle</p> <p>Structure: No adequate structure / Indefinite</p>	<p>Not indefinite. Plain and ordinary meaning.</p>
<p>“bi-directional communication link”</p> <p>’313 Patent, Claims 1, 2, 6-10, 14-16;</p> <p>’500 Patent, Claims 1, 2, 3;</p> <p>’334 Patent, Claims 1, 2</p> <p>(Plaintiff identified)</p>	<p>Plain and ordinary meaning,</p> <p>Or alternatively, a link connecting two points which enables communication in both directions</p>	<p>connection which enables the transmission of information in both directions between two end points</p>	<p>Plain and ordinary meaning.</p>

¹ This alternative construction was provided in an email from J. Saltiel to the Court on July 8, 2022.

<p>“continuous bi-directional communication”</p> <p>’313 Patent, Claims 1, 9</p> <p>(Plaintiff identified)</p>	<p>a stream of data flowing to and/or from the remote scan tool and the vehicle diagnostic bus meeting the latency and signal integrity requirements of the scan tool to prevent or avoid time outs or premature process termination</p>	<p>uninterrupted stream of data in both directions</p>	<p>“a stream of data flowing to and/or from the remote scan tool and the vehicle diagnostic bus meeting the latency and signal integrity requirements of the scan tool to prevent or avoid time outs or premature process termination”</p>
<p>“actively and continuously communicate” / “communication is . . . active and continuous”</p> <p>’313 Patent, Claims 1, 9; ’500 Patent, Claim 7; ’334 Patent, Claim 5</p> <p>(Plaintiff identified)</p>	<p>monitoring and acting to maintain continuous communication / communication is monitored and acted upon to maintain continuous communication</p>	<p>monitoring and transmitting an uninterrupted stream of data / stream of data is . . . monitored and transmitted uninterruptedly</p>	<p>“monitoring and acting to maintain continuous communication /communication is monitored and acted upon to maintain continuous communication”</p>
<p>“computer/tool enabled to scan and program a vehicle as if it were located proximate to the vehicle”</p> <p>’313 Patent, Claims 1, 9; ’500 Patent, Claim 1; ’334 Patent, Claim 1</p> <p>(Defendants identified)</p>	<p>Plain and ordinary meaning</p>	<p>Indefinite</p>	<p>Plain and ordinary meaning.</p>
<p>“one or more outdoing pin signals the vehicle sub-system”</p> <p>’500 Patent, Claim 1</p> <p>(Plaintiff identified)</p>	<p>one or more outgoing pin signals from the vehicle sub-system</p>	<p>one or more outgoing pin signals from the vehicle sub-system</p>	<p>[Not disputed]</p>